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News Release

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N.B. Human Rights Commission

Op-ed / Racial signs not funny (03/11/14)

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EDITOR'S NOTE: The following op-ed article, concerning racial signs recently posted at UNB, was issued today by Dr. Patrick Malcolmson, chair of the New Brunswick Human Rights Commission.

FREDERICTON (CNB) - "Some people have speculated that the racial cleansing signs posted in UNB's Student Union Building on Oct. 29 were a prank. We don't know who posted them, or why, but we do know that they were not a joke, whatever they were intended to be.

While such signs are fairly rare, their impact is far greater than their number suggests. For one thing, they target a class of persons, not individuals. For another, they are designed to maximize their impact through publicity, while discrimination is almost always hidden. Thus, a large number of people are affected. The effect can be chilling, especially for people who may be new to Fredericton or Canada, and may not know how seriously to take such incidents.

Most people understand that there is no real risk of racial cleansing or extradition in New Brunswick, but the fact that someone would propose this, or even joke about it, reminds racial and other minorities that racism is still alive here, as everywhere else. Typically, it is not as extreme, but it exists. Notices like these remind minorities that not everybody welcomes them. They may be left to wonder whether problems they run into, such as being told an apartment is no longer vacant, or getting a low grade, or being given a breathalyzer test, or not getting a date, are in fact related to their race. They may end up feeling that they don't belong here, that they must watch their behaviour, and that they might be better off settling down elsewhere after graduation.

At a minimum, they are reminded of how insensitive some people are.

Moreover, like yelling "Fire!" in a crowded theatre just to see what happens, the consequences of such irresponsible conduct can be unpredictable and tragic.

That is why both the Criminal Code of Canada and the New Brunswick Human Rights Act prohibit certain types of publicity. In some cases, both laws may apply, though one or the other law may be preferable in specific cases because of differences in wording and procedures.

The hate propaganda sections of Criminal Code, sections 318 and 319, prohibit the promotion of genocide and hatred based on colour, race, religion or ethnic origin. The Criminal Code is enforced by the police and Crown prosecutors through the courts.

Section 6 of the New Brunswick Human Rights Act prohibits notices or signs indicating discrimination on an intention to discriminate for any purpose because of race, national origin and ten other personal characteristics. It is enforced by the New Brunswick Human Rights Commission, which has staff specialised in the investigation and conciliation of complaints of discrimination. Cases that cannot be settled may be referred to a tribunal, which hears the case and may issue an order.

One advantage of the Human Rights Act over the Criminal Code is that the rules of evidence are less technical, the standard of proof is the one used in civil instead of criminal trials, and the focus is remedying the harm and resolving the conflict instead of punishing the offender. On the other hand, in many criminal cases, the victim will get little or nothing.

Of course, law enforcement alone cannot stop racism. For that reason, the Human Rights Commission also has an educational mandate, which it exercises mainly through workshops, publications and its website.

However, government agencies like the Human Rights Commission can only do so much. When it comes to assuring minoririte that they are welcome, that they belong here, and that their skills are valued, nothing beats broad community involvement. The prompt actions and statements of UNB and its Student Union as well as the universal condemnation of the signs in editorials and letters to the editor go a long way to redress the harm done.

They give me renewed hope that progress is indeed being made."

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